



09-19-07

Attorney's Docket No.: 16163-031002 / AM-100236

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Parris et al.
Patent No. : 7,135,319
Issue Date : November 14, 2006
Serial No. : 10/717,138
Filed : November 19, 2003
Title : CRYSTAL STRUCTURE OF ACPS/ACP COMPLEX, SOLUTION
STRUCTURE OF B. SUBTILIS ACP, AND USES THEREOF

Art Unit : 1656
Examiner : Nashaat T. Nashed
Conf. No. : 9179

MAIL STOP CERTIFICATE OF CORRECTIONS BRANCH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST UNDER 37 CFR § 3.81(b)

Applicants request under 37 CFR § 3.81(b) that the above referenced patent be corrected to name the following two Assignees:

Wyeth, of Madison, New Jersey, and Millennium Pharmaceuticals, Inc., of Cambridge, Massachusetts. As assignment was recorded in the parent application, USSN 09/770,834, before the issuance of the patent. In this case, the assignment was recorded on October 17, 2001, at Reel 012282, Frame 0031.

Applicants request that the issued patent be corrected to name both Assignees and enclose the Request for Certificate of Correction as specified by the Commissioner for Patents in the enclosed decision dated March 8, 2007.

In the decision dated March 8, 2007, the Petitions Examiner has acknowledged that it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that both Wyeth and Millenium Pharmaceuticals, Inc. were the Assignees of record at the time of issuance of the application into a patent. The decision directs the Certificates of Correction Branch to issue a Certificate of Correction upon submission by petitioner of a Request for a Certificate of Correction under § 1.323 (and fees set forth in § 1.20(a) and the processing fee set forth in § 1.17(i)). Petitioner hereby submits the enclosed

01 FC:1464

130.00 DA

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01 FC:1811
02 FC:1803100.00 DA
130.00 DA

CERTIFICATE OF MAILING BY EXPRESS MAIL

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September 18, 2007

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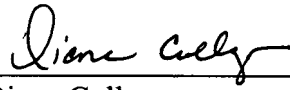
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Please charge the required fee of \$130.00 as set forth in 37 CFR §1.17(i). Applicants believe that the fee set forth in §1.20(a) was paid with the previous Request under 37 CFR §3.81(b) submitted on July 28, 2006. In the event that any other charges or credits are necessary, please charge them to Deposit Account No. 06-1050 with reference to Attorney Docket No. 16163-031002.

Respectfully submitted,

Date: September 18, 2007


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Here
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,135,319
APPLICATION NO : 10/717,138
DATED : NOVEMBER 14, 2006
INVENTOR(S) : KEVIN D. PARRIS, WILLIAM STUART SOMERS, AMY SZE PUI TAM, LAURA LIN, MARK STAHL, ROBERT POWERS AND GUANG-YI XU

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, Assignee, please add second Assignee:
--Millennium Pharmaceuticals, Inc., Cambridge, MA (US)--

MAILING ADDRESS OF SENDER:

Diana Collazo, Ph.D., J.D.
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OFFICE OF PETITIONS

In re Patent No. 7,135,319
Application No. 10/717,138
Filed: November 19, 2003
Issued: November 14, 2006
Attorney Docket No. 16163-031002

ON PETITION

This is a decision on the request under 37 CFR 3.81(b), filed July 28, 2006, to add the second assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the second assignee's name is Millennium Pharmaceuticals, Inc. and that it was omitted on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to the two assignees: Wyeth and Millennium Pharmaceuticals, Inc.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.


A review of Office database assignment records reflects that an assignment to Wyeth and Millennium Pharmaceuticals, Inc. has been recorded in the parent application, 09/770,834. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that both Wyeth and Millennium Pharmaceuticals, Inc. were the

assignees of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Millennium Pharmaceuticals, Inc. as one of the assignees. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Frances Hicks
Petitions Examiner
Office of Petitions